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असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 17th September, 1974/Bhadra 26, 1896 (Saka)

THE MAINTENANCE OF INTERNAL SECURITY (AMEND-
MENT) ORDINANCE, 1974

No. II OF 1974

Promulgated by the President in the Twenty-fifth Year of the Republic of India.

An Ordinance further to amend the Maintenance of Internal Security Act, 1971.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Maintenance of Internal Security (Amendment) Ordinance, 1974.

(2) It shall come into force at once.

2. During the period of operation of this Ordinance, the Maintenance of Internal Security Act, 1971 (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3, 4 and 5.

Short title and commencement.

Act 26 of 1971 to be temporarily amended.

Amend-
ment of
section
2.

3. In section 2 of the principal Act, after clause (c), the following clause shall be inserted, namely:—

“(cc) “smuggling” has the same meaning as in clause (39) of section 2 of the Customs Act, 1962 and all its grammatical variations and cognate expressions shall be construed accordingly;”

52 of 1962.

Amend-
ment of
section 3.

4. In section 3 of the principal Act, in sub-section (1),—

(a) in clause (b), the word “or” shall be inserted at the end;

(b) after clause (b), the following clause shall be inserted, namely:—

“(c) if satisfied with respect to any person (including a foreigner) that with a view to preventing him from acting in any manner prejudicial to the conservation of foreign exchange or with a view to preventing him from—

(i) smuggling goods, or

(ii) abetting other persons to smuggle goods, or

(iii) dealing in smuggled goods,”.

Insertion
of new
section
16A.

5. After section 16 of the principal Act, the following section shall be inserted, namely:—

Cases in
which
and cir-
cumstan-
ces under
which
persons
may be
detained
for long-
er than
three
months
without
obtaining
opinion
of Advi-
sory
Board.

‘16A. (1) Notwithstanding anything contained in this Act, any person (including a foreigner) in respect of whom an order of detention has been made under this Act may be detained without obtaining the opinion of the Advisory Board for a period longer than three months but not exceeding one year from the date of his detention, where the order of detention has been made against such person with a view to preventing him from smuggling goods or abetting other persons to smuggle goods, and the Central Government has reason to believe that such person—

(i) smuggles or is likely to smuggle goods, or

(ii) abets or is likely to abet other persons to smuggle goods,

into, out of or through any specified area as defined in clause (c) of section 11H of the Customs Act, 1962.

52 of 1962.

(2) In the case of any person (including a foreigner) to whom sub-section (1) applies, sections 10 to 13 shall have effect subject to the following modifications, namely:—

(a) in section 10, for the words “shall, within thirty days”, the words “may, at any time prior to but in no case later than three months before the expiration of one year” shall be substituted;

(b) in section 11,—

(i) in sub-section (1), for the words “from the date of detention”, the words “from the date on which reference is made to it” shall be substituted;

(ii) in sub-section (2), for the words "the detention of the person concerned", the words "the continued detention of the person concerned" shall be substituted;

(c) in section 12, for the words "for the detention" in both the places where they occur, the words "for the continued detention" shall be substituted;

(d) in section 13, for the words "twelve months", the words "two years" shall be substituted.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

